

REDACTED

Green, Michelle

From: Miller, Scott
Sent: Tuesday, December 15, 2015 2:56 PM
To: Saskowski, Ronald
Subject: FW: SMS 104(e) follow up
Attachments: 10_29_15 Letter to Jackson re_ Jerry Sternberg Company.pdf; 10_30_79 Sternberg Deed to Witherspoon _ Johnson.pdf; 9_25_15 Request for Information Letter from EPA.PDF

Hello Ron,
Please save this to SEMS for Smokey Mountain Smelters.
Thank you,
Scott

From: Jackson, Felicia
Sent: Tuesday, December 08, 2015 4:02 PM
To: Philson, Caroline <Philson.Caroline@epa.gov>
Cc: Miller, Scott <Miller.Scott@epa.gov>
Subject: RE: SMS 104(e) follow up

(b) (5)

Felicia Jackson

Environmental Protection Specialist
EPA Region 4 Superfund Division
Enforcement and Community Engagement Branch
Sam Nunn Atlanta Federal Center
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

✉ Jackson.Felicia@epa.gov ☎ (404) 562.8894 | facsimile: (404) 562.8842 |

From: Philson, Caroline
Sent: Tuesday, December 08, 2015 12:56 PM
To: Jackson, Felicia <Jackson.Felicia@epa.gov>
Subject: SMS 104(e) follow up

Hey Felicia,

Can you help me get up to speed with the 104(e) responses? Who's responded, who are we waiting for, have you concluded that anyone beside Arcadis is a PRP?

Thanks,
Caroline



CAROLINE PHILSON, ASSOCIATE REGIONAL COUNSEL

U.S. Environmental Protection Agency, Region 4
Office of Regional Counsel
61 Forsyth Street, SW
Atlanta, GA 30303
(404) 562-9588
philson.caroline@epa.gov

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STEVENS**
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LANDON ROBERTS
(1921-2007)

October 29, 2015

Ms. Felicia Jackson
US EPA
Region 4, SD – SECEB 11th Floor
61 Forsyth Street, S.W.
Atlanta, GA 30303

Via E-mail: Jackson.felicia@epa.gov

*Re: Request for Information Pursuant to Section 104 of CERCLA / Smokey Mountain
Smelters Superfund Site (Knoxville)*

Dear Ms. Jackson:

This law firm represents Jerry Sternberg, individually, and the Jerry Sternberg Company, Inc. ("Jerry Sternberg Company"). We are responding, on their behalf, to your letter dated September 25, 2015, which was received at the office of the Jerry Sternberg Company on October 6, 2015. Although the letter is addressed to Jerry Sternberg, most of the questions appear to be directed to the Jerry Sternberg Company. A copy of your letter is attached for reference.

The Questions and Answers are set forth herein. In answering the questions, we have used the defined terms included in your letter. Should you have questions about any of the information in this letter, you should contact me.

1. Confirm all identifying information for Jerry Sternberg Company, Inc., including:
 - a. Legal name, including any "doing business as" name;
 - b. Date and state of incorporation and corporate status;
 - c. Complete mailing and physical address of the central office; and
 - d. Name and mailing address of your registered agent.

Response: The Jerry Sternberg Company, Inc. is a North Carolina Corporation that was formed in 1979. Jerry Sternberg owns all the stock of the corporation. The corporation is in good standing. The mailing address is PO Box 8374, Asheville, NC 28814-8374. The physical

address is 271 Tunnel Road, Asheville, NC 28805-1832. The Registered Agent is Jerry Sternberg, whose mailing address is PO Box 8374, Asheville, NC 28814-8374.

2. Describe the manner of handling any waste materials generated by the business operated at the Site by Jerry Sternberg Company, Inc., providing documentation of such practices including but not limited to the location of any off-site disposal of wastes.

Response: Neither Jerry Sternberg nor the Jerry Sternberg Company ever operated any business at the Site.

3. Describe your involvement with each business, operation or other activity conducted at the Site with which you had any connection, providing the timeframes within which each such involvement occurred. For each involvement, specify the nature of your role, including but not limited to information regarding ownership of the property or business, title or job description, and details of your activities and responsibilities. For each involvement, identify each company, partnership, corporation, individual partner, associate, employee or agent also involved.

Response: Jerry Sternberg sold property to David Witherspoon and Daniel Johnson by deed dated September 18, 1979. Mr. Witherspoon and Mr. Johnson located the Smoky Mountain Smelters business on a portion of that property. A copy of the deed from Mr. Sternberg to Witherspoon and Johnson is attached. Neither Jerry Sternberg nor the Jerry Sternberg Company had any involvement with any business at the site.

4. For each business, operation or other activity conducted at the Site identified in response to Question 3, provide information regarding the following:
 - a. Nature of operations;
 - b. Description of all manufacturing, treatment or other chemical or physical processes;
 - c. Production volumes and disposition of each waste product of by-product.

Response: Neither Jerry Sternberg nor the Jerry Sternberg Company operated any business or conducted any activity at the Site.

5. Provide any RCRA Facility Investigation (RFI) Reports, RCRA Facility Assessments (RFA) Reports, Corrective Measures Studies, Interim Measures Reports, Confirmatory Sampling Reports, Notices of Hazardous Waste Activity, Closure Plans, and Post-Closure Plan, if any, that have been associated with any business, operation or other activity identified in response to Questions 1 above.

Response: Neither Jerry Sternberg nor the Jerry Sternberg Company are aware of or have in their possession any such reports.

6. For each business, operation or other activity identified, provide:
 - a. The responsible legal entity (e.g., corporation, partnership, or other association);
 - b. Documentation of winding down, dissolution and distribution of relevant assets;

- c. Documentation of any associated bankruptcy filing, including a copy of a Statement of Financial Affairs and any other relevant bankruptcy documents.

Response: No business or activity was identified.

7. During the period of any other smelting, resmelting or recycling operation at the Site, what portion of the saltcake and dross was recycled, what portion was stored for later processing, and what portion was disposed of?

Response: Neither Jerry Sternberg nor the Jerry Sternberg Company have any knowledge or information about any activities at the Site.

8. Identify any and all areas both on the Site property and at other locations, which were used for storage and disposal of saltcake, dross and other byproducts and wastes.

Response: No areas were identified.

9. Identify any and all other substances that were generated or stored at the Site, and any and all other substances that were disposed of either at the Site or at another location. Identify any such other locations used for disposal of any wastes.

Response: No substances were identified.

10. Identify the origin, treatment and disposition of any and all wastes received from outside sources for disposal at the Site at any time during which you were involved in the business, operations or other activities at the Site. Include in this information solid waste, liquid or gaseous waste, hazardous waste, and any other waste or other product intended for disposal at the Site. Provide all documentation of all related transactions, including but not limited to correspondence, bills, invoices, bills of lading, receipts, and other transactional records.

Response: Neither Jerry Sternberg nor the Jerry Sternberg Company were ever involved in any business, operations or other activity at the Site. Accordingly, Jerry Sternberg and the Jerry Sternberg Company have no knowledge, information or documents responsive to this question.

11. With respect to all persons identified in response to Question 3, identify any who may have knowledge, information or documents about the generation, storage, and disposition of any hazardous material at, to or from the Site.

Response: No persons were identified.

12. Provide copies of all documents, including but not limited to invoices, receipts, manifests, shipping papers, customer lists, contracts, cancelled checks or other payment records, reports, newsletters, notes, records of telephone conversation, or any other correspondence which may reflect, show, or evidence the generation, storage or disposition of Hazardous materials at, to or from the Site.

Response: Neither Jerry Sternberg nor the Jerry Sternberg Company were involved in any business, operations or other activity at the Site. Accordingly, Jerry Sternberg and the Jerry Sternberg Company have no documents or records responsive to this request.

13. Provide a list of all property and casualty insurance policies (e.g., comprehensive general liability, environmental impairment liability, and automobile liability policies) applicable to each business, operation or other activity identified in response to Question 1. Specify the insurer, policy, effective dates, and state the per occurrence policy limits for each policy. Copies of policies may be provided in lieu of a narrative response.

Response: Neither Jerry Sternberg nor the Jerry Sternberg Company are aware of or have copies of any such policies of insurance.

14. For each and every Question contained herein, if any of the documents solicited in this information request are no longer in your possession, custody, or control, then identify each person from whom such information or documents may be obtained. Also indicate the reason why they are no longer available. If the records were destroyed, provide the following:
- a. The document retention policy applicable to the document;
 - b. A description of how the records were destroyed (burned, trashed, etc.) and the approximate date of destruction;
 - c. A description of the type of information that would have been contained in the documents;
 - d. The name, job title and most current address of each person: who would have produced these documents, who would have been responsible for the retention of these documents, or who would have been responsible for the destruction of these documents; and
 - e. The name and most current address of each person who may possess an original or copy of documents relevant to this inquiry.

Response: Neither Jerry Sternberg nor the Jerry Sternberg Company were involved in any business, operation or other activity at the Site. Accordingly, Jerry Sternberg and the Jerry Sternberg Company have no documents responsive to this request (assuming such documents exist or ever existed), information or knowledge about documents responsive to this request, any document retention policy covering such documents, any destruction of such documents, the information in such documents, or information as to who prepared the documents and was responsible for them.

15. Identify each additional person not already identified, who may have information responsive to the Questions in this Information Request, and describe the relevant information you believe each may have in his or her possession.

Response: Neither Jerry Sternberg or the Jerry Sternberg Company are aware of any other persons who may have information responsive to this request.

16. Describe your ownership interest and operational role in Smokey Mountain Smelters, Inc., including but not limited to the timeframe of your involvement and the circumstances of termination of involvement.

Response: Neither Jerry Sternberg nor the Jerry Sternberg Company had or has any ownership interest or operational role in Smoky Mountain Smelters, Inc.

17. Describe your ownership interest and operational role in Rotary Furnace, Inc., including but not limited to the timeframe of your involvement and the circumstances of termination of involvement. Describe the nature of the relationship between Rotary Furnace, Inc. and Smokey Mountain Smelters, Inc.


Response: Neither Jerry Sternberg nor the Jerry Sternberg Company had or has any ownership interest or operational role in Rotary Furnace, Inc. Neither Jerry Sternberg nor the Jerry Sternberg Company has any information or knowledge about the relationship between Rotary Furnace, Inc. and Smokey Mountain Smelters, Inc.

18. Describe the current status of Jerry Sternberg Company, Inc., including but not limited to its corporate, operational and financial status.

Response: The Jerry Sternberg Corporation is in good standing with the State of North Carolina. The Corporation has limited operations and has no assets.

Sincerely,

ROBERTS & STEVENS, P.A.

A handwritten signature in black ink, appearing to read "William Clarke", written over the typed name.

William Clarke

BC/sh

Enclosures

cc: Jerry Sternberg (w/ enclosures; via e-mail)

Max M. Morrison, Attorney,
 TY DEED—Form 14. This instrument Prepared By 716 Market St., Knoxville, Tenn.

HIS INDENTURE, made this 28 day of September

D., 1979 between Jerry V. Sternberg, Single

Asheville, In the State of North Carolina

the first part, and David A. Witherspoon, Jr., and Daniel E. Johnson

Knoxville, Tennessee the second part.

WITNESSETH, that the said part y of the first part, for and in consideration of the sum

One Dollar (\$1.00) and other good and valuable consideration

him in hand paid by the said part ies of the second part, the receipt of which is hereby

acknowledged,

01 * * 1 00

16552

10-30 79

2 000

and to secure the payment of said note or notes hereby retained on the property hereby conveyed,
 as granted, bargained, sold, conveyed, and do es hereby grant, bargain, sell and convey unto the
 said part ies of the second part, the following described premises, to wit, situated in
 District No. Nine of Knox County, Tennessee

All property described in the attached "Exhibit A"
 and "Exhibit A-1"

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09 * * 6

A * 390

16562

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2 0001

I hereby swear or affirm that the actual consideration of this
 transfer, whichever is greater, is \$150,000.00
 Subscribed and sworn to before me this 30 day of 1979

Deputy Register

RESPONSIBLE TAXPAYER

12206 Armitage PT
 Knoxville, TN 37922
 ADDRESS

COUNTERSIGNED

OCT 30 1979
 PARK M. [illegible]

I certify that the foregoing is
 the within [illegible]

and 1921

For further and more complete description and for Title, reference is here made to the following Deeds of Record in the Register's Office in and for said County and State, in Deed Book

Vol. , Page , Book , Vol. , Page , Book
Vol. , Page ;

with the hereditaments and appurtenances thereto appertaining, hereby releasing all claims to Homestead and Dower therein. TO HAVE AND TO HOLD the said premises to the said parties of the second part, their heirs and assigns forever.

And the said party of the first part for himself and for his Heirs, Executors and Administrators do es hereby covenant with the said parties of the second part their heirs and assigns that they will lawfully seized in fee simple of the premises above conveyed and they have full power, authority and right to convey the same, that said premises are free from all incumbrances

and that he will forever warrant and defend the said premises and the title thereto against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, The said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, sealed and delivered in the presence of

Jerry V. Sternberg (L. S.)
JERRY V. STERNBERG (L. S.)
____ (L. S.)
____ (L. S.)
____ (L. S.)

EXHIBIT "A"

Tracts of land located in Knox County, Tennessee, and being more fully described as follows:

Tract 1:

The following described property and premises, to-wit:

SITUATED, LYING AND BEING in the NINTH (9th) Civil District of Knox County, Tennessee, without the corporate limits of the City of Knoxville, Tennessee, and being known and designated as all of Lots 1, 10, 11, and 12 in the JOSEPH LEWIS 1ST ADDITION TO VESTAL as shown by Map of said Addition of record in Map Book 7 at Page 99 in the Register's Office of Knox County, Tennessee, all of said lots being more particularly bounded and described as shown on the map of said Addition aforesaid, to which Map reference is made for more particular description of said lots and as shown by survey of W. E. Lack, Engineer, Knoxville, Tennessee, bearing date of October 23, 1958.

Tract 2:

The following described property and premises to-wit:

SITUATED, LYING, AND BEING in the NINTH (9th) Civil District of Knox County, Tennessee, and without the corporate limits of the City of Knoxville, Tennessee, and being known and designated as all of Lots No. 14 and 15 and the greater portion of Lot No. 16 in the JOSEPH LEWIS 1ST ADDITION TO VESTAL as shown by Map of said Addition of record in Map Book 7 at Page 99 in the Register's Office of Knox County, Tennessee; said lots and portion of lot lying adjacent forming one boundary situated and being on the Southeastern side of Lewis Avenue, having a combined frontage of 140 feet thereon and being more particularly bounded and described as follows to-wit:

BEGINNING at an iron pin in the Southeastern line of Lewis Avenue distant in a Northeasterly direction 50 feet from the point of intersection of the Southeastern line of Lewis Avenue with the Northeastern line of Bridge Street, extended to its point of intersection with said Southeastern line of Lewis Avenue, said point of beginning, marking common corner to Lots No. 13 and 14 in said Addition; thence in a Northeasterly direction along the Southeastern line of Lewis Avenue 140 feet to an iron pin; thence in a Southeasterly direction on a line parallel with the common dividing line between Lots No. 16 and 17 and distant 10 feet Southwestwardly therefrom 191.72 feet to a cut in concrete in the Northwestern right-of-way line of the Southern Railroad; thence with said Railroad right-of-way line Southwestwardly 146.4 feet to an iron pin marking common corner to Lots No. 13 and 14; thence in a Southwesterly direction along the common dividing line between Lots No. 13 and 14, 212.7 feet to an iron pin in the Southeastern line of Lewis Avenue, the place of BEGINNING; as shown by survey of W. E. Lack, Engineer, Knoxville, Tennessee, bearing date October 23, 1958.

Tract 3:

The following described property and premises to-wit:

SITUATED, LYING, AND BEING in the NINTH (9th) Civil District of Knox County, Tennessee, and without the corporate limits of the City of Knoxville, Tennessee, and being generally bounded as follows: on the Northeast by the Joseph Lewis 1st Addition to Vestal, on the Southeast by the right-of-way of the Southern Railroad Company, on the Northwest by the right-of-way of the L. & N. Railroad Company and on the Southwest by property known, on March 3, 1959 as the Mrs. Margaret Hemken Hemken tract, said property being more particularly bounded and described to-wit:

BEGINNING at an iron pin in the Northwestern line of the Southern Railroad Company property, said point of beginning marking the most Southern corner of Lot No. 11 of the Joseph Lewis 1st Addition to Vestal; thence North 36 degrees West along the Southwestern line of said Addition and continuing along the Southwestern line of a driveway hereinafter described, a total distance of 603.46 feet to a point in the Southeastern right-of-way line of the L & N Railroad Company property; thence with said Railroad property the following chord calls and distances, to-wit: South 27 degrees 39 minutes West 70.37 feet to a point, South 24 degrees 33 minutes West 101.63 feet to a point, South 26 degrees 31 minutes West 101.62 feet to a point, South 23 degrees 29 minutes West 101.68 feet to a point, South 30 degrees 23 minutes West 101.74 feet to a point, South 32 degrees 28 minutes West 101.83 feet to a point, South 34 degrees 35 minutes West 101.69 feet to a point, South 36 degrees 05 minutes West 63.30 feet to a point marking the most Northern corner of said Mrs. Margaret Flenniken Flenniken tract; thence with said Northeastern line of said tract South 35 degrees 09 minutes East 633.30 feet to a point in the Northwestern right-of-way line of the Southern Railroad Company property; thence with said Railroad right-of-way line North 27 degrees 40 minutes East 763.3 feet to an iron pin; the place of BEGINNING.

Together with a right-of-way extending from the most Northern portion of the above described property Northeastwardly to Bridge Street and Maryville Pike, said right-of-way being bounded on the Northwest by the L & N Railroad Company right-of-way, on the Southeast by Lot No. 1 of the Joseph Lewis 1st Addition to Vestal and Bridge Street, said right-of-way being approximately 21 feet in width and some 100 feet in length, all as shown by survey of W. E. Lack, Engineer, Knoxville, Tennessee, bearing date October 23, 1958.

Tract 5

BEGINNING at a point on the northwest side of Knoxville and Augusta Railway, southeast corner of the property now owned by the American Agricultural Chemical Company; thence northeast alongside Knoxville and Augusta railway property 53 feet more or less to a stake; thence in a northwest direction 213.14 feet, parallel to the northeast line of the American Agricultural Chemical Company's property to a stake; thence southwest running parallel with the said Knoxville and Augusta railway, 50 feet to a stake; the southeast corner of Bridge Street (now Calab St.); thence southeast alongside line of said American Agricultural Chemical Co., 220.8 feet to the point of the BEGINNING. This being a part of the same property conveyed to Joseph Lewis, widower, by deed dated December 22, 1910, recorded in Book 246, page 240 of the Register's Office of Knox County, Tennessee.

This conveyance is made subject to a Southern Railway spur track across Tract 3; Easement for drainage ditches and water run-off in favor of the L & N Railroad Company and certain Restrictive Covenants applicable to Lots 14, 15, and 16, in the Joseph Lewis 1st Addition to Vestal.

EXHIBIT "A-1"

A tract of land located in Knox County, Tennessee, and being more fully described as follows:

An undivided one-fifth (1/5) interest in and to the following described property and premises, to-wit:

- SITUATED; LYING, AND BEING in the NINTH (9th) Civil District of Knox County, Tennessee, adjoining the last described tract herein on the Southwest, being known as a portion of the tract known on March 3, 1959, as the Mrs. Margaret Flenniken Flenniken tract, and being more particularly bounded and described, to-wit:

BEGINNING at a point in the Northwestern right-of-way line of the Southern Railroad Company property, distant South 27 degrees 40 minutes West measured along said Railroad right-of-way line 763.3 feet from an iron pin marking the most Southern corner of Lot No. 11 of the Joseph Lewis 1st Addition to Vestal; thence North 35 degrees 09 minutes West 638.30 feet to a point in the Southeastern right-of-way line of the L & N Railroad Company property; thence with said Railroad Company right-of-way line the following chord calls and distances, to-wit: South 36 degrees 05 minutes West 38.38 feet, South 38 degrees 30 minutes West 101.86 feet, South 40 degrees 24 minutes West 119.76 feet to an iron pin marking the most Northern corner of Lot No. 6 of the Joseph Lewis 3rd Addition to Vestal; thence along the Northeastern line of said Addition South 36 degrees 43 minutes East 686.44 feet to an iron pin in the Northwestern right-of-way line of the Southern Railroad Company property; thence with said right-of-way line North 27 degrees 40 minutes East 260 feet to a point, the place of BEGINNING, as shown by survey of W. E. Lock, Engineer, Knoxville, Tennessee, bearing date October 23, 1958.

This conveyance is made subject to right-of-way along the Southwest line of this tract of land.

See
TB
2194

STATE OF TENNESSEE,

County of KNOX } ss.

Personally appeared before me, the undersigned authority, a Notary Public of
said County and State, the within named bargainor Jerry V. Sternberg

with whom I am personally acquainted, and who acknowledged that he executed the within instrument for
the purposes therein contained.

Witness my hand and official seal at office this 28 day of SEPTEMBER, A. D. 1979
My Commission Expires 6-28-82 [Signature] Notary Public.

STATE OF TENNESSEE,

County of _____ } ss.

Personally appeared before me, _____, a Notary Public of
said County and State, the within named bargainor _____

with whom I am personally acquainted, and who acknowledged that he executed the within instrument for
the purposes therein contained.

Witness my hand and official seal at office this _____ day of _____, A. D. 19 ____
My Commission Expires _____ Notary Public.

STATE OF TENNESSEE
COUNTY OF _____

I, or we, hereby swear or affirm that the actual consideration for this transfer, or value of the property transferred, whichever is greater, is \$ _____, which amount is equal to or greater than the amount which the property transferred would command at a fair, voluntary sale.

Subscribed and sworn to before me this _____ day of _____, 19 ____

My Commission Expires _____ Notary Public.

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DURMAN
REGISTERED
NOTE BOOK
SHARP



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

SEP 25 2015

INFORMATION REQUEST LETTER
URGENT LEGAL MATTER
PROMPT REPLY REQUESTED WITHIN 30 DAYS
CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Mr. Jerry Sternberg
P.O. Box 8374
Asheville, NC 28814

SUBJ: Request for Information Pursuant to Section 104 of CERCLA for the Smokey Mountain Smelters Superfund Site located in Knoxville, Knox County, Tennessee

Dear Mr. Sternberg:

The purpose of this letter is to request that you respond to the enclosed Information Request. The U.S. Environmental Protection Agency is currently investigating the release or threatened release of hazardous substances, pollutants or contaminants or hazardous wastes on or around the Smokey Mountain Smelters Superfund Site (the Site). This investigation requires inquiry into the identification, nature and quantity of materials generated, treated, stored or disposed of at, or transported to, the Site and the nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from the Site.

SITE BACKGROUND

The Site is located at 1508 Maryville Pike (State Route 33) near Knoxville, Knox County, Tennessee. The Site operated as a secondary aluminum smelter and is approximately 13 acres in size. The EPA believes you may have information about operations of the facilities at and near the Site that may assist the EPA in its investigation.

INFORMATION REQUEST

The EPA seeks your cooperation in providing information and documentation in relation to the contamination of the Site. Pursuant to the authority of CERCLA Section 104, 42 U.S.C. § 9604, as amended, and Section 3007 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6927, the EPA requests that you respond to the questions set forth in *Enclosure A* attached hereto. Instructions on how to respond to the questions are included in *Enclosure A* as well as definitions that apply to the words appearing in the questions. The EPA encourages you to give this matter your immediate attention and requests that you provide a complete and truthful response to each question **within thirty (30) calendar days** of your receipt of this letter.

While the EPA seeks your cooperation in this investigation, compliance with the Information Request is required by law. **Failure to respond fully and truthfully to the Information Request within thirty (30) calendar days of receipt of this letter, or to inadequately justify a failure to respond, may result in the EPA pursuing an enforcement action pursuant to Section 104(e) of CERCLA, as amended, and/or Section 3008 of RCRA.** Each of these statutes permits the EPA to seek the imposition of penalties of up to thirty-two thousand five hundred dollars (\$32,500.00) for each day of continued noncompliance. In addition, please be advised that providing false, fictitious, or fraudulent statements or representation may subject you to criminal penalties under 18 U.S.C Section §1001. The information you provide may be used by the EPA in administrative, civil, or criminal proceedings.

Submit your responses to the Information Request to Felicia Jackson, Environmental Protection Specialist, at the following address:

United States Environmental Protection Agency
Region 4, SD-SECEB 11th Floor
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Section 3501 et seq.

ADMINISTRATIVE RECORD

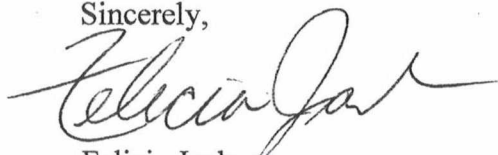
Pursuant to Section 113(k) of CERCLA, 42 U.S.C. § 9613(k), the EPA has established an administrative record that serves as the basis of the EPA's decision on the selection of the response action for the Site. This administrative record is open to the public for inspection and comment.

The factual and legal discussions contained in this letter are intended solely for notification and information purposes. They are not intended to be, and cannot be relied upon as, final EPA positions on any matter set forth herein.

Due to the seriousness of the problem at the Site and the legal ramifications of your failure to respond properly, the EPA strongly encourages you to give this matter immediate attention and to respond to this letter within the time specified above. Please direct legal questions to Caroline Philson, Associate Regional Counsel, at (404) 562-9588 or at Philson.Caroline@epa.gov. For any general questions, or to arrange to submit responsive information electronically, please contact me at (404) 562-8894 or via email at Jackson.Felicia@epa.gov prior to the time specified above.

The EPA appreciates and looks forward to your prompt response to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Felicia Jackson', with a stylized flourish at the end.

Felicia Jackson
Environmental Protection Specialist
Superfund Enforcement and
Community Engagement Branch

Enclosures – Definitions/Questions

Enclosure A
Request for Information Pursuant to Section 104 of CERCLA
Jerry Sternberg -- Smokey Mountain Smelters Site
Knoxville, Tennessee

Instructions

1. Please provide a separate narrative response to each and every Question and subpart of a Question set forth in this Information Request.
2. Precede each answer with the number of the Question to which it corresponds.
3. Provide responses to the best of your ability, even if the information sought was never put down in writing or if the written documents are no longer available. You should seek out responsive information from current and former employees or agents. Submission of cursory responses when other responsive information is available to you will be considered non-compliance with this Information Request.
4. Please provide your name, current home address, current telephone number, and current e-mail address.
5. For every question contained herein, identify all persons consulted in the preparation of responses.
6. For each and every question contained herein, identify all documents consulted, examined, or referred to in the preparation of the response that contain information responsive to the question, and provide true and accurate copies of all such documents.
7. Provide the name, title, address, and phone number of the individual to whom any future correspondence regarding this matter should be directed.
8. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, you must supplement your response to the EPA. Moreover, should you find, at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
9. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question to which it responds and provide true and accurate copies of all such documents.
10. For each and every Question contained herein, identify (see Definitions) all persons consulted in the preparation of the answer.

11. The information requested herein must be provided even though you may contend that it includes possibly confidential information or trade secrets. You may, if you desire, assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. Sections 9604(e)(7)(E) and (F), Section 3007(b) of RCRA, 42 U.S.C. Section 6927(b), and 40 C.F.R. Section 2.203(b).

If you make a claim of confidentiality for any of the information you submit to the EPA, you must prove that claim. For each document or response you claim confidential, you must separately address the following points:

- A. The portions of the information alleged to be entitled to confidential treatment;
- B. The period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
- C. Measures taken by you to guard against the undesired disclosure of the information to others;
- D. The extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
- E. Pertinent confidentiality determinations, if any, by the EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
- F. Whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp or type "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise non-confidential documents should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit your response so that all non-confidential information, including any redacted versions of documents are in one envelope and all materials for which you desire confidential treatment are in another envelope.

All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by the EPA only to the extent permitted by CERCLA Section 104(e). If no such claim accompanies the information when it is received by the EPA, then it may be made available to the public by the EPA without further notice to you.

12. Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on a separate sheet or sheets, and marked as "Personal Privacy Information".
13. If you have objections to some or all the Questions within the Information Request letter, you are still required to respond to each of the Questions.

Definitions

The following definitions shall apply to the following words as they appear in the Questions:

1. The term "you" or "Respondent" shall mean Jerry Sternberg, the addressee of this request.
2. The term "person" shall have the same definition as in Section 101(21) of CERCLA: an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, United States Government, State, municipality, commission, political subdivision of a State, or any interstate body.
3. The terms the "Site" or the "facility" shall mean and include the property known as Smokey Mountain Smelters Superfund Site located in Knoxville, Knox County, Tennessee
4. The term "hazardous substance" shall have the same definition as that contained in Section 101(14) of CERCLA and includes any mixtures of such pollutants and contaminants with any other substances. Petroleum products mixed with pollutants and contaminants are also included in this definition.
5. The term "hazardous waste" shall have the same definition as that contained in Section 1004(5) of RCRA.
6. The term "solid waste" shall have the same definition as that contained in Section 1004(27) of RCRA.
7. The term "material" shall mean any and all objects, goods, substances, or matter of any kind that have been generated, treated, stored, or disposed of or otherwise handled at or transported to the Site, including but not limited to, all hazardous substances, pollutants and contaminants, hazardous wastes and solid wastes, as defined above.
8. The term "hazardous material" shall mean all hazardous substances, pollutants or contaminants, and hazardous wastes, as defined above.
9. The term "non-hazardous material" shall mean all material as defined above, excluding hazardous substances, pollutants and contaminants, and hazardous waste.
10. The term "pollutant or contaminant" shall include, but not be limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release into the environment will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical

deformations; except that the term "pollutant or contaminant" shall not include petroleum

11. The term "identify" means, with respect to a natural person, to set forth: (a) the person's full name; (b) present or last known business and home addresses and telephone numbers; (c) present of last known employer (include full name and address) with title, position or business.
12. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.
13. The term "company" shall mean any business entity, however formally or informally organized, which has ever existed, regardless of its current status.
14. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance or the subject matter.
15. The terms "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreement and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc or disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which it produces, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document, and (e) every document referred to in any other document.
16. The term "release" has the same definition as that contained in Section 101(22) of CERCLA, 42 U.S.C. Section 9601(22), and includes any spilling, leaking,

pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.

17. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
18. The term "arrangement" means every separate contract or other agreement between two or more persons.
19. The terms "transaction" or "transact" mean any sale, transfer, giving, delivery, change in ownership, or change in possession.
20. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions.
21. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 C.F.R. Part 300, or 40 C.F.R. Parts 260-280, in which case, the statutory or regulatory definitions shall apply.

Questions

1. Confirm all identifying information for Jerry Sternberg Company, Inc., including:
 - a. Legal name, including any "doing business as" name;
 - b. Date and state of incorporation and corporate status;
 - c. Complete mailing and physical address of the central office; and
 - d. Name and mailing address of your registered agent.
2. Describe the manner of handling any waste materials generated by the business operated at the Site by Jerry Sternberg Company, Inc., providing documentation of such practices including but not limited to the location of any off-site disposal of wastes.
3. Describe your involvement with each business, operation or other activity conducted at the Site with which you had any connection, providing the time frames within which each such involvement occurred. For each involvement, specify the nature of your role, including but not limited to information regarding ownership of the property or business, title or job description, and details of your activities and responsibilities. For each involvement, identify each company, partnership, corporation, individual partner, associate, employee or agent also involved.
4. For each business, operation or other activity conducted at the Site identified in response to Question 3, provide information regarding the following:
 - a. Nature of operations;
 - b. Description of all manufacturing, treatment or other chemical or physical processes;
 - c. Production volumes and disposition of each product; and
 - d. Volumes and disposition of each waste product or by-product.
5. Provide any RCRA Facility Investigation (RFI) Reports, RCRA Facility Assessments (RFA) Reports, Corrective Measures Studies, Interim Measures Reports, Confirmatory Sampling Reports, Notices of Hazardous Waste Activity, Closure Plans, and Post-Closure Plans, if any, that have been associated with any business, operation or other activity identified in response to Question 1 above.
6. For each business, operation or other activity identified, provide:
 - a. The responsible legal entity (e.g., corporation, partnership, or other association);
 - b. Documentation of winding down, dissolution and distribution of relevant assets;

- c. Documentation of any associated bankruptcy filing, including a copy of a Statement of Financial Affairs and any other relevant bankruptcy documents.
7. During the period of any other smelting, resmelting or recycling operation at the Site, what portion of the saltcake and dross was recycled, what portion was stored for later processing, and what portion was disposed of?
8. Identify any and all areas both on the Site property and at other locations, which were used for storage and disposal of saltcake, dross and other byproducts and wastes.
9. Identify any and all other substances that were generated or stored at the Site, and any and all other substances that were disposed of either at the Site or at another location. Identify any such other locations used for disposal of any wastes.
10. Identify the origin, treatment and disposition of any and all wastes received from outside sources for disposal at the Site at any time during which you were involved in the business, operations or other activities at the Site. Include in this information solid waste, liquid or gaseous waste, hazardous waste, and any other waste or other product intended for disposal at the Site. Provide all documentation of all related transactions, including but not limited to correspondence, bills, invoices, bills of lading, receipts, and other transactional records.
11. With respect to all persons identified in response to Question 3, identify any who may have knowledge, information or documents about the generation, storage, and disposition of any hazardous material at, to or from the Site.
12. Provide copies of all documents, including but not limited to invoices, receipts, manifests, shipping papers, customer lists, contracts, cancelled checks or other payment records, reports, newsletters, notes, records of telephone conversations, or any other correspondence which may reflect, show, or evidence the generation, storage or disposition of hazardous materials at, to or from the Site.
13. Provide a list of all property and casualty insurance policies (e.g., comprehensive general liability, environmental impairment liability, and automobile liability policies) applicable to each business, operation or other activity identified in response to Question 1. Specify the insurer, policy, effective dates, and state the per occurrence policy limits for each policy. Copies of policies may be provided in lieu of a narrative response.
14. For each and every Question contained herein, if any of the documents solicited in this information request are no longer in your possession, custody, or control, then identify each person from whom such information or documents may be obtained. Also indicate the reason why they are no longer available. If the records were destroyed, provide the following:

- a. The document retention policy applicable to the document;
 - b. A description of how the records were destroyed (burned, trashed, etc.) and the approximate date of destruction;
 - c. A description of the type of information that would have been contained in the documents;
 - d. The name, job title and most current address of each person: who would have produced these documents, who would have been responsible for the retention of these documents; or who would have been responsible for the destruction of these documents; and
 - e. The name and most current address of each person who may possess an original or copy of documents relevant to this inquiry.
15. Identify each additional person not already identified, who may have information responsive to the Questions in this Information Request, and describe the relevant information you believe each may have in his or her possession.
16. Describe your ownership interest and operational role in Smokey Mountain Smelters, Inc., including but not limited to the timeframe of your involvement and the circumstances of termination of involvement.
17. Describe your ownership interest and operational role in Rotary Furnace, Inc., including but not limited to the timeframe of your involvement and the circumstances of termination of involvement. Describe the nature of the relationship between Rotary Furnace, Inc. and Smokey Mountain Smelters, Inc.
18. Describe the current status of Jerry Sternberg Company, Inc., including but not limited to its corporate, operational and financial status.